

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES LANGONE, as FUND MANAGER )  
of the NEW ENGLAND TEAMSTERS AND )  
TRUCKING INDUSTRY PENSION FUND )

Plaintiff, )

v. )

STAMPRETE OF RHODE ISLAND, STAMP )  
CRETE OF RHODE ISLAND, INC. )  
AND STAMPED CONCRETE, INC. )

Defendant, )

C.A. No. 04cv11125 NG

**PLAINTIFF'S MOTION TO EXTEND TIME TO FILE MOTIONS FOR  
SUMMARY JUDGMENT**

NOW COMES the Plaintiff and requests this Court to allow an extension of time to file a Motion for Summary Judgment for an additional 120 days until February 28, 2006. At a status conference of this case was held on September 16, 2005 at which time, the parties agreed to set the deadline for motions for summary judgment on October 28, 2005. At the time of the scheduling conference, there were three outstanding discovery issues. A deposition was to take place on September 22, 2005; Defendant's counsel agreed to provide further answers to interrogatories and production of documents; and documents requested from third parties by way of subpoenas served July 21, 2005 remained outstanding.

The subpoenaed documents were finally sent to Plaintiff's counsel on September 19, 2005. The documents included over a thousand pages of financial and personnel records from corporations related to the current defendants in which Leonard and Constance Pezza were owners and officers. Based on the information obtained through

the subpoenas and at the deposition, Plaintiff intends to move to amend the complaint to conform to the evidence by 1) dismissing Stamp Crete of Rhode Island, Inc. a corporation now in receivership in Rhode Island, 2) dismissing Stamprete of Rhode Island, as this corporate name was a scrivener's error for Stamp Crete, and 3) adding Leonard and Constance Pezza as defendants to this action as the recently obtained documents support the inclusion of these defendants. These individuals are owners and/or officers or are otherwise affiliated with the current defendants in this matter. In addition, Plaintiff is filing simultaneously a Motion to Compel further answers to discovery from Defendant Stamped Concrete, Inc.

The additional time will allow for the ten (10) day notice period prior to filing the Motion to Amend the Complaint to add new parties under Local Rule 15, time for the Court to make a determination on the Motion to Amend the Complaint as well as time for service and answer of the complaint. Plaintiff does not anticipate additional discovery other than one set of interrogatories and requests for documents to the new defendants if the motion is granted.

Dated: October 12, 2005

CHARLES LANGONE, as FUND MANAGER  
Of the NEW ENGLAND TEAMSTERS AND  
TRUCKING INDUSTRY PENSION FUND,

By his Attorney,

/S/ Catherine M. Campbell  
Catherine M. Campbell  
BBO #549397  
Feinberg, Campbell & Zack, P.C.  
177 Milk Street  
Boston, MA 02109  
(617) 338-1976

Certificate of Service

I, Catherine M. Campbell, do hereby certify that on this date, I served the foregoing by first-class mail upon Bruce E. Thompson, Esq., Casey & Thompson, P.C., 8 North Main Street, Attleboro, MA 02703.

/S/ Catherine M. Campbell  
Catherine M. Campbell

Date: October 12, 2005

Certificate of Rule 7.1

I, Catherine M. Campbell, counsel for Plaintiff Charles Langone in the above-captioned matter, hereby certify that I have (attempted) to confer with Defendant's counsel in a good faith attempt to resolve or narrow the issues presented by this motion. Plaintiff faxed this motion to Defendants' counsel on October 7, 2005 in order to give him an opportunity to confer prior to the filing of this motion.

/S/ Catherine M. Campbell  
Catherine M. Campbell

Date: October 12, 2005